

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Docket No. 2:22-cr-55
)	
NORMAN MERRILL II,)	
Defendant.)	

MOTION FOR DETENTION

NOW COMES the United States of America, by and through its attorney, Nikolas P. Kerest, United States Attorney for the District of Vermont moves for pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility for Detention. This defendant is eligible for detention because the case involves a felony offense involving a minor victim. *See* 18 U.S.C. § 3142(f)(1)(E).
2. Reason For Detention. The Court should detain the defendant because there are no conditions of release which will reasonably assure the safety of the community and the defendant's appearance as required.
3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against the defendant under 18 U.S.C. § 3142(e). The presumption applies because there is probable cause to believe the defendant committed an offense involving a minor victim under 18 U.S.C. § 2251.
4. Time For Detention Hearing. The United States requests the court conduct the detention hearing after a three-day continuance authorized by 18 U.S.C. § 3142(f).
5. Other Matters. On May 7, 2022, officers from the Chester Police Department received a report of potential voyeurism occurring at the defendant's home. On May 9, 2022,

Chester Police officers conducted interviews of a minor who reported finding a potential recording device inside a bathroom of defendant Merrill's residence. The minor child also reported that she knew defendant Merrill to be employed as a teacher at Green Mountain Union High School, and that while at the school, she had witnessed defendant Merrill holding his phone in a position by his waist while manipulating the phone as if he was photographing and/or filming young girls who were walking in front of him.

On May 10, 2022, Chester Police obtained search warrants for defendant Merrill's residence and his electronic devices to search for evidence of voyeurism and attempted voyeurism. Those warrants were executed on May 11, 2022, resulting in the seizure of numerous electronic devices from the residence including "pinhole cameras" and a "spy camera."

The Vermont State Police have conducted a preliminary forensic review of one of the memory SD cards seized during the search of defendant Merrill's home. That review revealed numerous surreptitiously recorded videos that were taken in the bathroom of defendant Merrill's residence and which depict multiple nude minors. Some of the cameras appear to have been deliberately placed to obtain video of the genitalia of users of the bathroom. Some of the videos depict defendant Merrill positioning the camera to the correct angle and ensuring it is adequately hidden from detection. The SD card also contains image files that appear to be screen-captures from the videos of nude minors. Some of these still images contain lascivious displays of the minor victim's genitalia. Chester Police worked to identify, and successfully identified, one of the victims, who was determined to be currently 15 years old.

The voyeuristic videos appear to have been produced in multiple different bathrooms; law enforcement has not yet identified all of the bathrooms depicted in the videos, but has associated two of them with houses frequented by defendant Merrill.

VSP's forensic examination of the electronic devices and storage media is ongoing. Examination to date has revealed images saved to the data card that are of children taken from their social media accounts. Faces of those children appear to have been cropped using photo editing software, and pasted onto images of adult pornography. That is, someone placed a cropped image of a child's face over the face of a woman who is engaged in sexual activity with an adult male. Given that the original social media images and the morphed pornography images are both on the same data card as the voyeurism videos, the government infers that defendant Merrill created these morphed images.

In sum, the preliminary analysis of the electronic devices seized from Merrill's residence has revealed that defendant Merrill recorded voyeuristic child pornography videos in multiple bathrooms, captured still images of child pornography from those videos, created "morphed images" of adult pornography by superimposing a child's face into the images, and surreptitiously filmed and photographed young female children in public settings.

The preliminary assessment of the evidence supports a finding that defendant Merrill cannot be released on conditions, given the danger he poses to the community. Merrill's conduct is particularly concerning and indicative of danger to the community in light of his position as a high school teacher, and his apparent violation of the trust the community has placed in him to care for and teach their children. Further, defendant Merrill faces a mandatory minimum of 15 years of imprisonment, creating a substantial incentive to flee. The government therefore requests he be detained pending trial.

Dated at Burlington, in the District of Vermont, May 19, 2022.

Respectfully submitted,

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